

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**TIFFANY R EDWARDS**  
Claimant

**APPEAL 20A-UI-10520-BH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BROWN DEER PLACE LLC**  
Employer

**OC: 06/14/20**  
**Claimant: Appellant (1)**

Iowa Code section 96.5(1) – Voluntary Quit  
Iowa Code section 96.5(2)(a) – Discharge for Misconduct  
Iowa Administrative Code rule 871-24.32(1)(a) – Discharge for Misconduct  
Federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), PL 116-136, section 2104 – Federal Pandemic Unemployment Compensation (FPUC)

**STATEMENT OF THE CASE:**

Tiffany R. Edwards filed an appeal from the August 31, 2020 (reference 02) unemployment insurance decision that denied benefits based upon the determination she voluntarily quit employment without good cause attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held October 13, 2020. Edwards participated and testified. Brown Deer Place, LLC (BDP) participated through William Pierce, community director.

**ISSUE:**

Did BDP discharge Edwards for job-related misconduct?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the undersigned finds the following facts.

BDP hired Edwards on January 14, 2019. Most recently, Edwards worked part time as a resident assistant (RA). Edwards's immediate supervisor was Matt Hawkins. BDP discharged Edwards on June 29, 2020.

Edwards has been diagnosed with a collapsed fallopian tube. She also suffers from bleeding in her stomach. Edwards often has pain due to her condition. Edwards notified Hawkins about her health issues.

BDP has an attendance policy in its employee handbook. The policy states that leaving work during a shift will result in disciplinary action up to and including discharge. However, there is an insufficient basis in the evidence from which to conclude BDP ever gave Edwards a copy of its employee handbook or attendance policy.

Edwards reported to Hawkins. During her employment, she made arrangements on multiple occasions for a coworker to cover one of her shifts without notifying Hawkins. BDP took no disciplinary action in response to Edwards not notifying a supervisor of such an arrangement.

Due to issues with employees make arrangements with one another about shift coverage and not notifying management, Hawkins made a new procedure. Hawkins required the employees under his supervision to notify him when they had made arrangements for another employee to cover a shift. After Hawkins announced this rule, Edwards and a coworker agreed the coworker would cover one of Edwards's shifts without notifying Hawkins. When Hawkins found out, he told Edwards that she needed to notify him about such an agreement so that way he knew who to hold accountable if no one showed up to work the shift.

On June 29, 2020, Edwards was feeling ill with abdominal pain, vomiting, a fever, and a headache. She was scheduled to work a double shift, but was feeling too ill to do so. Edwards notified Hawkins by text message that she was not feeling well and would not be able to work her second scheduled shift. Hawkins told her to find a replacement before she left or she would not have a job.

After multiple coworkers refused to cover Edwards's second shift, a coworker agreed to do so via Snapchat. Edwards arranged for a ride to the hospital. Before leaving her first scheduled shift early, Edwards asked two of her coworkers to let her know if the coworker who agreed to cover her second shift did not arrive. Edwards did not notify Hawkins that she had found a replacement.

Edwards went to the hospital and did not think much about work. The next day, she attempted to log into the app BDP uses for employees to check their schedules to find out when she was next scheduled to work. However, the app denied her log in.

At the time, Edwards's mother was also an employee for BDP. She informed Edwards that Hawkins informed BDP employees via a group message that Edwards was no longer employed at BDP.

## **REASONING AND CONCLUSIONS OF LAW:**

The evidence establishes BDP discharged Edwards from employment due to job-related misconduct.

Iowa Code section 96.5(2)(a) disqualifies an individual from unemployment insurance benefits if the employer discharged the individual for misconduct. The statute does not define "misconduct." But Iowa Administrative Code rule 871-24.32(1)(a) does:

"Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties

and obligations to the employer. On the other hand mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good faith errors in judgment or discretion are not to be deemed misconduct within the meaning of the statute.

The Iowa Supreme Court has consistently held this definition accurately reflects the intent of the legislature in enacting the Iowa Employment Security Law. *See, e.g., Irving v. Employment Appeal Bd.*, 883 N.W.2d 179, (Iowa 2016) (superseded on other grounds by 2017 Iowa Acts ch. 70, § 3 (codified at Iowa Code § 96.5(11)) (citing *Cosper v. Iowa Dep't of Job Serv.*, 321 N.W.2d 6, 9 (Iowa 1982))).

The employer has the burden to prove misconduct that makes a claimant ineligible for unemployment benefits. *Cosper v. Iowa Dep't of Job Serv.*, 321 N.W.2d 6 (Iowa 1982). In unemployment appeals, the question is not whether the employer made the right decision when it discharged the claimant in separating claimant. *Infante v. Iowa Dep't of Job Serv.*, 364 N.W.2d 262 (Iowa Ct. App. 1984). The question is whether the claimant is entitled to unemployment insurance benefits under the law. *Id.*

The Iowa Court of Appeals found substantial evidence of misconduct in testimony that the claimant worked slower than he was capable of working and would temporarily and briefly improve following oral reprimands. *Sellers v. Emp't Appeal Bd.*, 531 N.W.2d 645 (Iowa Ct. App. 1995). Generally, continued refusal to follow reasonable instructions constitutes misconduct. *Gilliam v. Atlantic Bottling Co.*, 453 N.W.2d 230 (Iowa Ct. App. 1990).

Here, the evidence shows BDP did not provide Edwards with a copy of its employee handbook. Hawkins was Edwards's immediate supervisor. He implemented a policy requiring employees to notify him when they arrange for a coworker to cover a shift for which they are scheduled. Edwards failed to follow the policy on one occasion. Hawkins informed Edwards that she needed to follow the policy so he knew who was supposed to be working each shift.

Edwards had health issues on June 29, 2020. She notified Hawkins by text message. Hawkins replied that Edwards had to find a replacement before she left or BDP would discharge her. Hawkins contacted multiple coworkers before finding one who agreed to take her shift. Then Edwards left for the hospital without notifying Hawkins and the coworker did not show up for Edwards's second shift.

Thus, Edwards knew about the requirement to notify Hawkins of an agreement for a coworker to cover a shift. He told her when he implemented the policy. After Edwards failed to follow the policy, Hawkins warned her that she needed to do so moving forward so he knew who to hold accountable if nobody showed up for a shift and left BDP short staffed. On June 29, 2020, Hawkins advised Edwards to find a replacement, but she did not notify him when she did so and the coworker did not show up to cover for her. Edwards testified that she understood she would be held accountable if she did not notify Hawkins and the coworker did not show up. And that is just what happened.

The evidence shows it is more likely than not BDP discharged Edwards for failing to notify Hawkins about her agreement with a coworker to cover her second shift, which she could not work due to illness. She knew of the requirement to do so, had been warned on one occasion about needing to meet the requirement and why, and then failed to do so on June 29, 2020. The

fact that it was a health emergency did not eliminate the requirement to contact Hawkins via text message.

For these reasons, the evidence establishes BDP discharged Edwards for “conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees.” Edwards is therefore not eligible for benefits under Iowa Code section 96.5(2)(a) and rule 871-24.32(1)(a). Benefits are denied.

**DECISION:**

The August 31, 2020 (reference 02) unemployment insurance decision is affirmed. BDP discharged Edwards due to job-related misconduct. Benefits are withheld until such time as Edwards has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



---

Ben Humphrey  
Administrative Law Judge

October 15, 2020  
Decision Dated and Mailed

bh/sam

**NOTE TO CLAIMANT:**

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- If you do not qualify for regular unemployment insurance benefits under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** For more information about how to apply for PUA, go to:

<https://www.iowaworkforcedevelopment.gov/pua-information>